

EXHIBIT K

Page 224

WERNER BRANDT - HIGHLY CONFIDENTIAL
UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

ORACLE CORPORATION, a Delaware)
Corporation, ORACLE USA, INC.,) Case No.
a Colorado corporation, and) 07-CV-01658 PJH (EDL)
ORACLE INTERNATIONAL)
CORPORATION, a California)
corporation,)
)
Plaintiffs,)
)
vs.)
)
SAP AG, a German corporation,)
SAP AMERICA, INC., a Delaware)
corporation, TOMORROWNOW,)
INC., a Texas corporation,)
and DOES 1-50, inclusive,)
)
Defendants.)
-----)

Thursday, November 13, 2008
8:39 a.m.
(Volume 2)

Continued Highly Confidential
Videotaped Deposition of WERNER
BRANDT, held at the offices of Bingham
McCutchen, LLP, 399 Park Avenue, New
York, New York 10022, pursuant to
Notice, before Otis Davis, a Notary
Public of the State of New York.

1

16:33:33 2

16:33:36 3

16:33:40 4

16:33:42 5

16:33:42 6

16:33:45 7

16:33:47 8

16:34:19 9

16:34:21 10

16:34:22 11 Q. And one final question: Can
16:34:26 12 you tell me two or three of the larger
16:34:30 13 licensing deals that SAP has entered into
16:34:34 14 for intellectual property?

16:34:49 15 MR. LANIER: Vague and
16:34:50 16 ambiguous.

16:34:51 17 Go ahead.

16:35:01 18 A. What do you mean with
16:35:03 19 "licensing deals"? Do you mean
16:35:05 20 cross-licensing agreements?

16:35:08 21 Q. Cross-licensing could be -- it
16:35:10 22 really depends on the magnitude of the
16:35:14 23 deal.

16:35:15 24 A. With **REDACTED**, with **REDACTED** (in
16:35:22 25 English)?

1 WERNER BRANDT - HIGHLY CONFIDENTIAL

16:35:24 2 Q. Where there is not a
16:35:26 3 cross-license, where, for instance, SAP is
16:35:31 4 just licensing itself without giving a
16:35:34 5 license in return. Can you name a
16:35:37 6 licensing transaction?

16:35:52 7 A. On the technology side, it's
16:35:57 8 **REDACTED** Some on the technology side; in
16:36:05 9 other areas, for example, it's **REDACTED** (in
16:36:08 10 English).

16:36:08 11

16:36:12 12

16:36:14 13

16:36:17 14

16:36:20 15

16:36:33 16

17

18

19

20

21

22

23

24

25

C E R T I F I C A T E

STATE OF NEW YORK)

: ss .

COUNTY OF NEW YORK)

I. OTIS DAVIS, a Notary Public

within and for the State of New York,

do hereby certify:

10 That WERNER BRANDT, the witness
11 whose deposition is hereinbefore set
12 forth, was duly sworn by me and that
13 such deposition is a true record of
14 the testimony given by the witness.

15 I further certify that I am not
16 related to any of the parties to this
17 action by blood or marriage, and that
18 I am in no way interested in the
19 outcome of this matter.

20 IN WITNESS WHEREOF, I have hereunto
21 set my hand this 17th day of November 2008.

Ole Davis

OTIS DAVIS